IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

APPEAL FROM ORDER NO.908 OF 2005
WITH
CIVIL APPLICATION NO.1231 OF 2005

Kamlesh Nathalal Shah ..
Appellant.
Vs.
The Municipal Corporation of Gr. Mumbai ..Respondent.
...
Mr. J. J. Shah for the Appellant.
Ms. Geeta Joglekar for the Respondent.
....

**CORAM : DR.D.Y.CHANDRACHUD, J.**

21st November, 2005.

P.C. :

At the hearing of this Appeal, counsel appearing for the Appellant furnishes an undertaking on behalf of the Appellant that the Appellant shall move the portable cabin and a room on the terrace of the first floor which has been found to be unauthorized and thereafter apply to the Municipal Corporation for regularization of the staircase which is necessary for the use of the hospital. Undertaking accepted. The portable cabin and the room on the terrace shall be removed within a period of four weeks from today. It would be open to the Appellant to apply to the Municipal Corporation for regularization of the staircase. The application for

regularization shall be disposed of within a period of six weeks of the institution thereof. Until the application is disposed of, the Municipal Corporation shall not take any steps in respect of the staircase for which a regularization application is to be submitted. The removal of the portable cabin and the room on the terrace shall not preclude the Appellant from making an application for the installation of a portable cabin afresh. It is clarified that the Appellant shall not do so unless permission is granted by the Municipal Corporation. The application for regularization shall be made to the Executive Engineer (Building Proposals), P & R Ward. The Appeal is disposed of.

In view of the disposal of the Appeal from Order, the Civil Application is rendered infructuous and is accordingly disposed of.